



PATENT
Attorney Docket No.: WYE-024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Burczynski *et al.* CONFIRMATION NO.: 1858
APPLICATION NO.: 10/775,169 GROUP NO.: 1636
FILING DATE: February 11, 2004 EXAMINER: Schlapkohl, Walter
TITLE: Methods for Monitoring Drug Activities *In Vivo*

Mail Stop Sequence
Commissioner for Patents
P.O. Box 22313 1450
Alexandria, VA 22313-1450

SUBMISSION OF PAPER COPY AND/OR COMPUTER-READABLE COPY
OF SEQUENCE LISTING FOR INVENTION
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE

Dear Sir:

1. ☒ This replies to the Patent Office Letter dated December 1, 2006.

Note: If these papers are filed before the office letter issues adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Patent Office Letter is enclosed.

2. Submitted herewith is/are (check each item as applicable):

- A. ☐ a paper copy of the Sequence Listing for this application with each sequence assigned a separate identifier; and
- B. ☒ a CD of the Sequence Listing for this application with each sequence assigned a separate identifier; and
- C. ☒ A copy in computer readable form, under 37 C.F.R. 1.821(e), of the Sequence Listing for this application.

STATEMENT

3. I hereby state that (complete applicable items A, B and/or C):

- A. ☒ the content of the CD and computer readable copies submitted herewith are the same; and
- B. ☐ the content of the CD copy submitted herewith and the computer readable copy submitted on _____ are the same; and
- C. ☐ the content of the computer readable copy submitted herewith is the same as the Sequence Listing appearing on pages __ to __ of the original specification as filed; and
- D. ☒ this submission includes no new matter.

Applicants respectfully request entry of the sequence listing submitted herewith in the application. The sequence listing submitted herewith is intended to replace the sequence listing currently on file.

Respectfully submitted,



Fangli Chen, Ph.D.
Attorney for the Applicants
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Gates Ellis LLP
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One Lincoln Street
Boston, MA 02111-2950

Date: January 3, 2007
Reg. No. 51,551

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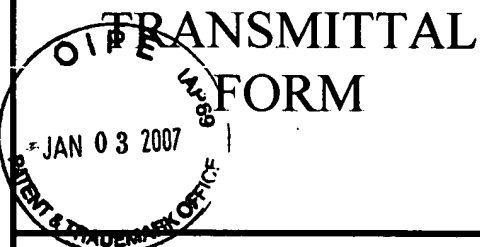
01-04-07

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Application Serial Number	10/775,169
Filing Date	February 11, 2004
First Named Inventor	Burczynski
Group Art Unit	1636
Examiner Name	Schlapkohl, Walter
Attorney Docket No.	WYE-024
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Check Attached
<input type="checkbox"/> Copy of Fee Transmittal Form

<input type="checkbox"/> Amendment/Response
<input type="checkbox"/> Preliminary
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Letter to Official Draftsperson
including Drawings
[Total Sheets ____]

<input type="checkbox"/> Petition for Extension of Time

<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Form PTO-1449
<input type="checkbox"/> Copies of IDS Citations

<input type="checkbox"/> Certified Copy of Priority Document(s)

<input checked="" type="checkbox"/> Sequence Listing submission
<input checked="" type="checkbox"/> Paper Copy/CD (2 CDs)
<input checked="" type="checkbox"/> Computer Readable Copy (1 CD)
<input checked="" type="checkbox"/> Statement verifying identity of above (2 pages) | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application

<input type="checkbox"/> Formal Drawing(s)

<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal

<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)

<input type="checkbox"/> Terminal Disclaimer

<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application

<input type="checkbox"/> Small Entity Statement

<input checked="" type="checkbox"/> CD(s) for large table or computer program (2 CDs)

<input type="checkbox"/> Amendment After Allowance

<input type="checkbox"/> Request for Certificate of Correction
<input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences

<input type="checkbox"/> Appeal Brief (in triplicate)

<input type="checkbox"/> Status Inquiry

<input checked="" type="checkbox"/> Return Receipt Postcard

<input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8


<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8

<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <ul style="list-style-type: none"> • Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (4 pages) • Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (3 pages) • Transmittal of Compact Discs Containing Sequence Listing and Table 1 (the Qualifier Table) (2 pages) |
|--|--|--|

CORRESPONDENCE ADDRESS

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SIGNATURE BLOCK

Respectfully submitted,

 Date: January 3, 2007
 Reg. No. 51,551
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,169	02/11/2004	Michael E. Burczynski	WYE-024	1858

54623 7590 12/01/2006

KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP/WYETH
 STATE STREET FINANCIAL CENTER
 ONE LINCOLN STREET
 BOSTON, MA 02111-2950

EXAMINER

SCHLAPKOHL, WALTER

ART UNIT

PAPER NUMBER

1636

DATE MAILED: 12/01/2006

COPY

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO. CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20061124

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

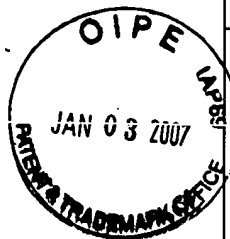
Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response. The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (<<http://www.uspto.gov/ebs/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to: Mail Stop Sequence Commissioner for Patents P.O. Box 22313 1450 Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:
U.S. Patent and Trademark Office
Mail Stop Sequence
Customer Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Walter Schlapkohl whose telephone number is (571) 272-4439. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Remy Yucel, can be reached at 571-272-0781.



Notice to Comply	Application No. 10/775,169	Applicant(s) Burczynski et al.	
	Examiner Schlapkohl	Art Unit 1636	<i>ult</i>

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See continuation sheet.

Applicant Must Provide:


- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
For CRF Submission Help, call (703) 308-4212 or 308-2923
PatentIn Software Program Support
 Technical Assistance.....703-287-0200
 To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

Continuation of 7: Applicant claims a method comprising the use of sequences present in a Qualifier Table (Table 1); this table does not appear in the specification. Furthermore, these sequences were apparently submitted in the form of a disk, but Examiner has no way of knowing which sequences of the 5278 sequences present in the computer readable form of the sequence listing were "disclosed" as present within the Qualifier Table and which were not.


NANCY VOGEL
PRIMARY EXAMINER